

REC'D PCT/PTO 21 MAR 2005

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 24 JAN 2005

WIPO PCT

10/528604

Applicant's or agent's file reference P16666-dbo	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 02/10670	International filing date (day/month/year) 24.09.2002	Priority date (day/month/year) 24.09.2002
International Patent Classification (IPC) or both national classification and IPC H04L1/00		
Applicant TELEFONAKTIEBOLAGET LM ERICSSON (PUBL) et al.		

1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the International application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01.04.2004	Date of completion of this report 25.01.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Scriven, P Telephone No. +31 70 340-2718 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 02/10670

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-29 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 02/10670**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☒ the entire international application,

☐ claims Nos.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-15 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Article 6 PCT requires that the claims be clear. This is not the case with the present application, and the lack of clarity is such that it is not possible to form an opinion as to novelty, inventive step or industrial applicability.

Claim 1 is unclear for the reasons given below. It should be understood that each of the independent claims is unclear for similar reasons. In addition, claim 8 suffers from a number of additional problems of clarity, which are also discussed below.

It is not clear whether *input bit sequence* is intended to specify that the sequence is input to the *digital communication system* or simply is the input to some part of that system. Since, further, the term *system* is vague (one may consider the whole of a network to be a system, or one transmitter to be a system, or even some small part of a terminal to be a system), it is difficult to see how *input bit sequence* is to be distinguished from any other type of *bit sequence*.

The terms *output bit positions* and *input bit positions* are obscure. The reader cannot tell whether the *input bit positions* relate in some way to the *input bit sequence* or to some other thing; and there is no clear indication to what output *output bit positions* refers.

The word *corresponding* is not used in a clear way. It is neither clear between which entities the correspondence is to exist (between the *bits* and the *input bit positions*, or between the *locations* and the *input bit positions*), nor is the nature of the correspondence evident.

The meaning of *interleaved sequence that is interleaved according to said first and said second interleaving schemes* is unclear. One may imagine that a sequence which is interleaved would not need further interleaving. Further, it is not evident the first and second schemes are to be considered as acting in parallel, or as acting one after the other. In the latter case, the order is not specified.

Claim 8 is also unclear because the reader cannot tell whether *computer program product* is intended to refer to something which is produced by a computer program, or, rather, to some product which contains a computer program. It is also not clear when such a product can be considered as *directly loadable into ... internal memory*; this is particularly so because a product is surely a physical entity.